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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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9 THERESE C. MASSON,) Case No. 12-05335 SC
10 Plaintiff,)
11 v.) ORDER RE: MOTION TO EXPUNGE
12) LIS PENDENS
13 SELENE FINANCE LP, et al.,)
14 Defendants.)
_____)

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16 The Court dismissed the above-caption action on May 13, 2013,
17 after Plaintiff failed to file an opposition to Defendants' motion
18 to dismiss. ECF No. 38. Plaintiff subsequently appealed. ECF No.
19 40. Now before the Court is Defendants' motion to expunge lis
20 pendens, which was filed on July 2, 2013. ECF No. 45 ("Mot.").
21 Plaintiff has once again failed to file an opposition. Pursuant to
22 Civil Local Rule 7-3(a), Plaintiff's response should have been
23 filed over two weeks ago. The Court hereby ORDERS Plaintiff to
24 file her response by Monday, August 5, 2013. If Plaintiff elects
25 to file a response, Defendants shall have seven days to file a
26 reply brief, see Civ. L.R. 7-3(c), and the matter shall be

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1 submitted on the papers. If Plaintiff declines to file a response,
2 the Court will grant Defendants' Motion.¹

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4 IT IS SO ORDERED.

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6 Dated: August 1, 2013



7 UNITED STATES DISTRICT JUDGE
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27 ¹ A district court generally loses jurisdiction to rule on matters
28 before an appellate court. However, the issue of expunging a lis
pendens is a collateral issue and, therefore, generally does not
fall within this limitation on jurisdiction. See In re Weston, 110
B.R. 452, 459 (E.D. Cal. 1989) aff'd, 967 F.2d 596 (9th Cir. 1992).